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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,947	07/30/2003	Zhihui Chen	01CON218P-CIP	1770
53375 7590 12/27/2007 FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVE. SUITE 360 MISSION VIEJO, CA 92691				
			EXAMINER O CONNOR, BRIAN T	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/631,947

Applicant(s)

CHEN ET AL.

Examiner

Brian T. O'Connor

Art Unit

2619

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

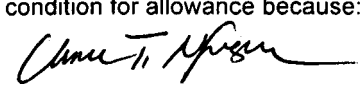
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3,6,7,9,12,13,15,18 and 20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**CHAU NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

Continuation of 11. does NOT place the application in condition for allowance because: In Applicant's request for reconsideration, filed on 11/30/2007, Applicant argues with respect to 103(a) rejection of claims 1, 3, 6, 7, 9, 13, 15, 18, and 20.

(A) On page 7, in the last partial paragraph, Applicant argues that Wildfeuer does not disclose transmitting a first message indicative of an answer tone generated by modem 102b.

The Examiner selected Wildfeuer and admits that Wildfeuer teaches sending tones of the internet packet network as digitized signals and that Wildfeuer does not disclose a message to indicate an answer tone. RFC-2833 is cited as disclosing this feature. The language of the independent claims does not state that answer tone is generated by a modem.

(B) On page 8, in the first partial paragraph and the last partial paragraph, Applicant argues that Wildfeuer does not disclose a message regarding answer tone from packet network gateway 106b to packet network gateway 106a.

The Examiner admits that Wildfeuer teaches sending tones over the internet packet network as digitized signals and that Wildfeuer does not disclose a message to indicate an answer tone. The Examiner cites RFC-2833 as disclosing this message feature.

(C) On page 9, in the first full paragraph, Applicant argues that citing McNeill does not address the claimed invention.

The Examiner cited McNeill because McNeill discloses detection of a phase reversal as recited in the independent claims.

(D) On page 9, in the second full paragraph, Applicant argues that there is no teaching in either Wildfeuer or McNeill to detect an answer tone at a first gateway.

The Examiner maintains that McNeill does teach detecting an answer tone (column 6, lines 28-33; column 6, lines 54-61).

(E) On page 10, in the first full paragraph, Applicant argues that RFC-2833 does not disclose separate messages for answer tone and answer tone with a phase reversal.

The Examiner maintains that RFC-2833 does teach four messages ANS, /ANS, ANSam, and /ANSam that are separated for answer tone indication and answer tone indication with a phase reversal.